IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTH DAY OF JANUARY
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 365 of 2006

Between:

Smt.R.Shiva Naga Jyothi

..... PETITIONER

AND

The Joint collector, Guntur District,

Guntur and 2 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the impugned order dated 24.08.2005 in Appeal Case No.40/2005-S7 of the 1st respondent rejecting to grant stay of the proceedings of the 2nd respondent dated 18.05.2005 vide Rc.No.299/2005-K, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The petitioner's fair price shop dealership in respect of Vallabhapuram village, Kollipara Mandal, Guntur District, was cancelled after conducting a regular enquiry and after giving a reasonable opportunity to the petitioner, by order dated 18.05.2005 of the

2nd respondent. As against the said order, the petitioner filed an appeal before the 1st respondent and the appellate authority, while admitting the appeal and calling for the records, rejected the stay application. Aggrieved by the same, the present writ petition is filed.

A perusal of the order of the 2nd respondent dated 18.05.2005 goes to show that the 2nd respondent has conducted a detailed enquiry with reference to the objections filed by the petitioner and with reference to the documentary evidence, and finally came to a conclusion that the petitioner is not residing at Vallabhapuram village and she is residing along with her husband at Duggirala village after her marriage. Therefore, her authorization was cancelled because of non-resident of Vallabhapuram village, considering the inconvenience being faced by the cardholders.

However, as a regular appeal is pending against the cancellation order, I am not inclined to interfere with the impugned order of the

1st respondent in refusing to grant stay of the cancellation order.

Accordingly, the Writ Petition is dismissed, directing the

1st respondent to consider and dispose of the appeal itself, in accordance with law, after giving a reasonable opportunity to the petitioner, as expeditiously as possible, preferably within a period of six weeks from the date of receipt of a copy of this order. No order as to costs.

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V.ESWARAIAH,J

Dated: 05.01.2006

Dsr